

REMARKS

Claims 1-20 are pending in this application. Claims 1-7, 16-18, and 20 stand rejected and claims 8-15 and 19 are objected to. Applicants wish to thank the Examiner for the indication of allowable subject matter in claims 8-15 and 19 but refrains from rewriting those claims in independent form until final resolution is reached on the claims from which they depend. By this Amendment, claims 1, 17, 19, and 20 have been amended. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made for cosmetic reasons to improve the form thereof. In light of the amendments and remarks set forth below, Applicants respectfully submit that each of the pending claims is in immediate condition for allowance.

Claims 1, 17 and 20 were rejected for use of the term “substantially”. Applicants have amended the claims to recite that there is minimum time variation between the receiving time and sending time intervals. As such, Applicants respectfully request reconsideration and withdrawal of this rejection. Further, Applicants have amended claim 19 to provide sufficient antecedent basis for a set time period. As such, Applicants respectfully request withdrawal of this rejection.

Claims 1-7, 17, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication 2001/0032269 (“Wilson”). Applicants respectfully request reconsideration and withdrawal of this rejection.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See, In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the references, whether taken individually or in combination, do not disclose or suggest the invention claimed by the Applicants.

Among the limitations of independent claims 1, 17, and 19 not present in Wilson is a buffering controller for buffering a received packet for a set time period before forwarding it so that a receiving time interval of packets at the second computer has minimum variation to a sending time interval of packets at the first computer.

In Wilson, a sending switch receives incoming packets and buffers them and then sends them to a receiving host. A receiving host generates an acknowledge packet that is sent back to the sending switch. The acknowledge packet is used to modify the transfer rate so that the receiving host buffer does not experience an overflow condition. See Wilson paragraphs 40-42. The buffer does not keep the sending and receiving times equal.

Wilson does not disclose that the received packet is buffered for a set time and that the receiving time interval is approximately equal to the sending time interval of packets as recited in Applicants' claim. As such, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 2-16 depend either directly or indirectly from, and contain all the limitations of claim 1. These dependent claims also recite additional limitations which, in combination with the limitations of claim 1, are neither disclosed nor suggested by Wilson and are also believed to be directed towards the patentable subject matter. Thus, claims 2-16 should also be allowed.

Claim 18 depends either directly or indirectly from, and contains all the limitations of claim 17. This dependent claim also recites additional limitations which, in combination with the limitations of claim 17, are neither disclosed nor suggested by Wilson and is also believed to be directed towards the patentable subject matter. Thus, claim 18 should also be allowed.

Applicants have responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Application No.: 09/940,305

Docket No.: K2291.0104

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

By 

Ian R. Blum

Registration No.: 42,336

DICKSTEIN SHAPIRO MORIN & OSHINSKY
LLP

1177 Avenue of the Americas
New York, New York 10036-2714
(212) 835-1400
Attorneys for Applicants

IRB/mgs